

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. J-11/08-501
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Motion to Reopen

DISCUSSION

On April 2, 2009 the Board entered an Order in this matter dismissing the petitioner's appeal as untimely. A copy of that Order is attached and is incorporated by reference herein.

On April 17, 2009 the petitioner filed a "response to Boards Dismissal of plea as Untimely" (sic). The hearing officer treated this filing as a Motion to Reopen pursuant to Fair Hearing Rule No. 1000.4K. A telephone hearing with the hearing officer was held on May 13, 2009. Participants were the petitioner, his son, and the Department's attorney.

Fair Hearing Rule No. 1000.4K provides:

Motions to reopen. Within 30 days of the Board's issuance of any order, a party may move the Board to reopen and reconsider that order. Motions to reopen shall be referred to the hearing officer for recommendation as to disposition in accordance with the above rules. Such motions shall be granted only upon a showing of good cause by the moving party.

Based on the arguments and representations of the petitioner at that hearing, and on the written materials that

accompanied the petitioner's filing of April 17, 2009, the petitioner has made no allegation or showing that any of the factual or legal bases of the Board's April 2, 2009 ruling are inaccurate or not in accord with the Board's rules and procedures.

It is clear that the petitioner continues to disagree with the *result* of the Board's ruling, and he has been advised that he may appeal that ruling to the Vermont Supreme Court. However, it cannot be concluded that he has demonstrated good cause to reopen the Board's Order of April 2, 2009.

ORDER

The petitioner's Motion to Reopen the matter is denied.

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